

## REMARKS

### I. Amendments to claims and new claims

Independent claim 1 has been amended to define the hydrocarbon oil feed to be selected from one of a group of feedstocks. These feedstocks are listed in certain of the dependent claims and in the specification. The hydrocarbon oil feed is defined as containing more than 1000 ppmw sulfur. In defining the catalyst composition, the transitional phrase “comprising” is replaced with the partially closed transitional phrase “consisting essentially of” to thereby exclude components that materially affect the performance of the catalyst composition.

Claim 2 is cancelled due to the amendments to claim 1.

New claims 17 – 25 are added to the specification. Claim 17 is an independent claim, and claims 18-25 depend either directly or indirectly from claim 17. New independent claim 17 requires the hydrogenation component of the catalyst composition to comprise nickel.

### II. § 102 Rejection of claims 1-9, 14, and 15 over WO 98/01515 of Moureaux

Claims 1-9, 14, and 15 are rejected as being anticipated by WO 98/01515 of Moureaux. This rejection is respectfully traversed as being rendered moot in view of the amendments to independent claim 1. Therefore, reconsideration and reexamination of the claims are respectfully requested.

A number of amendments have been made to independent claim 1 which Applicant respectfully asserts overcomes the Examiner’s § 102 rejection. For instance, the hydrocarbon oil feed is defined as being selected from solvent extracted waxy raffinate, see claim 10, or gas oil, see claim 11, or hydrocracker feedstock, see claim 12. The hydrocarbon oil feed is also defined as containing more than 1000 ppmw sulfur. The Moureaux publication teaches the need to have low levels of sulfur and nitrogen in the dewaxing feedstock with the sulfur concentration being less than 1000 ppmw. The transitional phrase “consisting essentially of” has the effect of excluding components not recited that materially affect the performance of the defined catalyst.

The above noted differences should distinguish the claimed invention over the teachings of the Moureaux publication.

### **III. § 103 Rejection of claims 10, 11, and 13 over WO 98/01515 of Moureaux**

Claims 10, 11, and 13 are rejected as being obvious over WO 98/01515 of Moureaux. This rejection is respectfully traversed in view of the amendments to independent claim 1 from which claims 10, 11, and 13 depend. Reconsideration and reexamination of these claims are respectfully requested.

The Moureaux publication discloses a class of catalysts useful in dewaxing that include a noble metal component supported on a surface deactivated aluminosilicate such as is disclosed in EP 0 832 171. See page 14 thereof. The EP patent cited in the Moureaux publication indicates that its catalyst composition may include a Group VIB metal component as well as a Group VIII metal component. See page 5 of EP 0 832 171.

The amendment to claim 1 has the effect of excluding from the recited catalyst additional components that materially affect its properties, and Applicant's specification indicates that it is preferred for its catalyst to exclude Group VIB metal. See page 13, lines 29-33. Other differences between the claimed invention and the teachings of the Moureaux publication are noted above.

### **IV. § 103 Rejection of claim 12 over WO 98/01515 of Moureaux in view of U.S. 4,743,354 to Ward**

Claim 12 is rejected as being obvious over WO 98/01515 of Moureaux in view of U.S. 4,743,354 to Ward. This rejection is respectfully traversed in view of the amendments to independent claim 1 from which claim 12 depends and in view of the following comments. Reconsideration and reexamination of claim 12 are respectfully requested.

The Ward patent states that in its preferred embodiment the entire effluent from the hydrodewaxing reactor is passed to a hydrocracking reactor. See column 8, lines 28-35. Claim 12, on the other hand, provides for the dewaxed oil to be subjected to a hydrotreating step before being subjected to a hydrocracking step. This intermediate step renders Applicant's claim 12 distinguishable over the applied references.

In addition to the noted differences, the amendments to claim 1 provide further differences between the claimed invention and the cited references.

**V. § 103 Rejection of claim 16 over WO 98/01515 of Moureaux in view of  
U.S. 4,867,861 to Abdo et al.**

Claim 16 is rejected as being obvious over WO 98/01515 of Moureaux in view of U.S. 4,867,861 to Abdo et al. This rejection is respectfully traversed in view of the amendments to independent claim 1 from which claim 16 depends and in view of the following comments. Reconsideration and reexamination of claim 16 are respectfully requested.

The Examiner applies the Abdo et al. patent to supply the nickel component that is not disclosed by the Moureaux publication as a component of its dewaxing catalyst.

It is respectfully asserted that the amended claims are distinguishable over the Examiner's cited references. The distinctions are discussed above.

**VI. New claims 17-25**

New claims 17-25 are added to the specification. Claim 17 is an independent claim, and claims 18-25 depend directly or indirectly from claim 17. Distinguishing features of the invention of these claims is the requirement that the feedstock have a high sulfur concentration and that the feedstock be of a particular type. Also, the recited catalyst must be a nickel catalyst. Significant in dependent claim 25 is the requirement that the catalyst have an absence of a Group VIB metal.

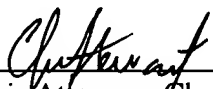
It is therefore respectfully asserted that claims 17-25 are patentable over the prior art.

**VII. Conclusion**

In view of the above amendments and remarks, Applicant respectfully asserts that the claims now pending in the application are in a condition for allowance.

Respectfully submitted,

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